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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHEVALIER, ROBERT

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,993

Applicant(s)

BRITTON, LAYNE

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1- 10, 12, 14-15, 17, 18, and 22-30 is/are rejected.
- 7) ☒ Claim(s) 11,13,16 and 19-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 1999 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/18/02; 4/29/02</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1- 10, 12, 14-15, 17, 18, and 22-30, are rejected under 35 U.S.C. 102(b) as being anticipated by Mankovitz.

Mankovitz discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 1, 15, 18, and 27, including the feature of accepting first viewer input for recording a first program and recording the first program and a second program responsive to the first viewer input as specified in the present claims 1, 15, 18, and 27. Applicant's attention is directed to Mankovitz's apparatus which includes the capability of recording a multiple of video programs on the tape recording medium responsive to the viewer input selection of programs data, see Mankovitz's column 10, lines 40-44. It is further to be noted that conventional VCRs such as the one shown by Mankovitz would also include a recording button arranged in a manner to have the user manually set the recording operation of the received broadcast video programs in real time on the tape recording medium. Consequently, more than one program can be recorded on the tape recording medium with one push of said recording button, since, the recording operation would therefore be continued until the user stops said recording process. As a result, the recording of a first program and the recording of the following

programs being broadcasted would have being performed on the tape recording medium.

With regard to claims 2, and 23, the feature of displaying the first program and the second program responsive to the second viewer input as specified thereof would be inherently present in the cited reference of Mankovitz. Because, conventional VCRs such as the one shown by Mankovitz would include a playback button for the purpose of manually triggering playback operation of the recorded video signal from the tape recording medium. Therefore, manually triggering the playback of one first recorded video program from the tape recording medium would forcedly generate in real time the playback of said first recorded video program and the remaining second, third or fourth video program that happens to be recorded on said tape recording medium until the user push the stop button.

With regard to claims 3-5, 24-26, and 28-30, the feature of displaying a promotional message for the second program before or after display of the first program as specified thereof would be inherently present in the cited reference of Mankovitz. Since, Mankovitz discloses the capability of retrieving and displaying video clip or auxiliary video data relating to the video programs at any desired time. (See Mankovitz's Figure 7, and column 10, lines 55-57, and column 9, line 65, to column 10, line 2).

With regard to claims 6-9, 14, 17, and 22, the feature of the second program being broadcasted immediately following the first program, or at different time than immediately following the first program, or at a later time than the first program, or at an earlier time than the first program, as specified thereof would be inherently present in

the cited reference of Mankovitz. Because, during the timer programming of the Mankovitz's VCR, the user could always select any program for recording at any desired time such as a program scheduled to be broadcasted immediately following the first program selected for recording, or at any different time than the first program selected.

With regard to claim 10, the feature of recording the first and the second program in a personal channel as specified thereof would be present in the cited reference of Mankovitz. (See the capability of recording video programs on the tape recording medium as shown in the Mankovitz's recording/reproducing apparatus).

With regard to claim 12, the feature of allowing selection by a viewer of a first program for recording and controlling the video playback device to record a second program responsive to the viewer selection of the first program for recording as specified thereof would be inherently present in the cited reference of Mankovitz. Because, conventional VCRs such as the one shown by Mankovitz would include a recording button arranged in a manner to have the user manually set the recording operation of the received broadcast video programs in real time on the tape recording medium. Consequently, more than one program can be recorded on the tape recording medium with one push of said recording button, since, the recording operation would therefore be continued until the user stops said recording process. As a result, the recording of a first program and the recording of the following programs being broadcasted would have being performed on the tape recording medium.

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3. Claims 11, 13, 16, and 19-21, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 571-272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
May 12, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER